

## **REMARKS**

Favorable reconsideration and allowance of this application are respectfully requested.

### **I. Discussion of Claim Amendments**

By way of the amendment instructions above, independent claim 1 has been revised so as to clarify that the claimed composition comprises (i) at least 50wt%, relative to the total weight of the composition, of one or more aromatic epoxies, (ii) one or more aliphatic epoxies; and one or more oxetanes, wherein said composition, after full cure, has a heat deflection temperature of at least 105°C under a pressure of 1.82 MPa, and an elongation at break of at least 1.5%. Support for such amendments may be found throughout the originally filed specification, for example at page 1, line 30 through page 2, line 3, page 4, lines 29-34 and page 9, line 33 et seq. Claims 3-5 have been cancelled as redundant in view of the amendments presented to claim 1.

Similar amendments to that presented above with respect to claim 1 have also been presented with respect to claim 30. Claims 35-59 have been presented which are dependent directly or indirectly from the amended version of claim 30 and are based substantively from the original claims 2 et seq.

The product-by-process claim 31 has been cancelled and replaced by new claims 60-64 which are dependent directly or indirectly from the amended version of claim 30. Claims 60-64 are based substantively from originally filed claims 31 and 19-22, respectively.

The "use" claims 32-34 have been cancelled.

With regard to the rejection of claims 1-31 under 35 USC §112, second paragraph, the Examiner will note that all claims define the "heat deflection temperature" in terms of a temperature (°C) measured at a certain pressure load,

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specifically, 1.82 MPa.<sup>1</sup> The claims have therefore been clarified to this extent so that continued rejection of the same under 35 USC §112, second paragraph would be improper.

Claims 1-2, 6-30 and 35-64 therefore remain pending in this application for which favorable reconsideration and allowance are solicited.

The amended and new claims presented by way of the amendment instructions above are without prejudice or disclaimer to applicant's rights to file a continuation application so as to pursue claims of broader and/or different scope.

## **II. Response to Formality Objections/Rejections**

Applicant suggests that the claims presented above comply fully with the statutory requirements of 35 USC §§101 and 112.

Specifically, prior claim 28 has been revised so as to be dependent on the amended version of claim 1. As such, the Examiner's rejections advanced against claim 28 under 35 USC §112, first paragraph is in order.

Claim 18 is proposed to be revised so as to clarify the same consistent with page 9, lines 30-33 of the originally filed specification. Accordingly, withdrawal of the 35 USC §112, second paragraph rejection thereagainst is in order.

To address the rejection of claim 24 under 35 USC §112, second paragraph, the viscosity units therein have been corrected in a manner helpfully identified by the Examiner. In addition, corresponding revisions to the specification on page 14, lines 1-5 have been submitted.

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<sup>1</sup> The Examiner's reference to "1.92 MPa" in ¶14 of the Official Action appears to have been a typographical error.

The rejection of claims 32-34 under 35 USC §§101 and 112, second paragraph have been rendered moot by virtue of their cancellation.

### **III. Response to Art-Based Rejections**

The amendments above are believed to render moot all art-based rejections of record. Specifically, with respect to claim 28, it is suggested that the rejections advanced under 35 USC §102(b) in ¶¶5-8 of the Official Action have been mooted by virtue of its dependency from the amended version of claim 1.

The rejection advanced against the prior claims 1, 3-4, 9, 15, 18-26, 28 and 31-34 based on Edwards et al (USP 5,081,168) as evidenced by Sellet (USP 3,674,415) are rendered moot by virtue of the amendments made above. Specifically, Edwards et al does not disclose curable compositions comprising one or more oxetanes. Thus, withdrawal of the rejections advanced in ¶¶11-12 of the Official Action is in order.

Pang et al is also inappropriate as a reference against the pending claims since there is no disclosure therein of a curable composition comprised of both aliphatic and aromatic epoxies, wherein the aromatic epoxies are employed in an amount of at least about 50 wt.%. Withdrawal of the rejection advanced in ¶13 is therefore in order.

The rejection advanced on the basis of Theis et al (WO 03/093901) under 35 USC §102(e) is overcome by virtue of the present claims including the subject matter of prior claim 4, namely a blend of aliphatic and aromatic epoxies wherein the aromatic epoxies are present in an amount of at least 50wt.% of the total composition weight. Withdrawal of the rejection advanced on the basis of Theis et al is therefore in order.

Hagawara et al (JP 11-199647) is inappropriate as a reference against the pending claims for the same reason as Theis et al. Specifically, Hagawara et al does not disclose a curable composition comprised of a blend of aliphatic and aromatic epoxies wherein the aromatic epoxies are present in an amount of at least 50wt.% of

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the total composition weight. According, withdrawal of the rejection advanced on the basis of Hagiwara et al under 35 USC §102(b) is believed to be in order.

The rejection of claim 27 under 35 USC §103(a) should likewise be withdrawn. Specifically, while color changing components are evidenced in Neckers et al (USP 5,514,519), Popat et al (USP 6,133,336) and Nguyen et al (CA 2,324,794 or USP 6,664,024), the combination of such references with the primary references would not render obvious the present invention as claimed for the reasons stated above with respect to the same.

With respect to the rejections advanced under 35 USC §102(b) based separately on Lapin et al (WO 97/42549) and Lawton (USP 5,707,70), applicant notes that neither anticipates the claims presently pending herein since neither discloses or suggests the presence of one or more oxetanes in combination with aliphatic and aromatic epoxies. Withdrawal of such rejections is therefore in order.

#### **IV. Response to Double Patenting Rejections**

Applicant notes that several provisional double patenting rejections have been advanced in ¶¶19-20 of the Official Action based on the claims of copending U.S. Application Serial No. 11/282,842. Since the claims of such '842 application have not yet been patented, applicant requests that the issues of "double patenting" be held in abeyance until such time as allowable subject matter has been indicated.

#### **V. Conclusion**

Every effort has been made to advance prosecution of this application to allowance. Therefore, in view of the amendments and remarks above, applicant suggests that all claims are in condition for allowance and Official Notice of the same is solicited.

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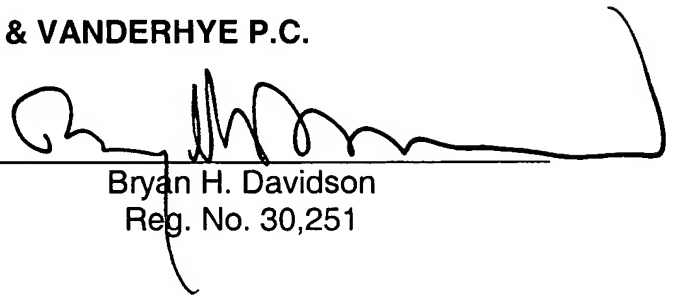
Should any small matters remain outstanding, the Examiner is encouraged to telephone the Applicants' undersigned attorney so that the same may be resolved without the need for an additional written action and reply.

An early and favorable reply on the merits is awaited.

Respectfully submitted,

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By: \_\_\_\_\_



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